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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
David M. Putzolu
Application No. 09/417,527
Filed: 13 October, 1999
Attorney Docket No. 2207/6926

:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition filed on 16 May, 2000, requesting that the above-identified application, without drawings, be accorded a filing date of 13 October, 1999.

The application was filed on 13 October, 1999, without drawings.¹ Accordingly, on 1 March, 2000, Initial Patent Examination Division mailed a "Notice of Incomplete Application" stating that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary.

In response, on 16 May, 2000, the present petition was filed. The petition states that the drawings are not necessary for an understanding of the subject matter sought to be patented. Petitioners request that the application, without drawings, be accorded a filing date of 13 October, 1999.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113, (first sentence).² A review of the record reveals that Claims 1-8 and 16-20 are method claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

¹35 U.S.C. § 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

²MPEP 601.01(f).

The petition is granted. No petition fee is due and none has been charged.

The "Notice of Incomplete Nonprovisional Application" mailed on 1 March, 2000, was sent in error and is hereby vacated.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 13 October, 1999, and for an indication on the bib-data sheet that no sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



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for Patent Examination Policy